

## **Policy © 1-202 Equal Employment Opportunity and Non-Discrimination**

The District is committed to providing a workplace free from discrimination, harassment, and retaliation.

### Equal Employment Opportunity & Anti-Discrimination

The District is an equal opportunity employer and complies with all applicable federal, state, and local laws regarding equal employment opportunity and anti-discrimination. The District strictly prohibits and does not tolerate discrimination against employees, applicants, or any other covered persons because of race, color, religion, creed, national origin or ancestry, ethnicity, sex (including gender, pregnancy, sexual orientation, and gender identity), age, physical or mental disability, citizenship, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state, or local law. All District employees, representatives, and other covered persons are prohibited from engaging in unlawful discrimination. This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, training, promotion, discipline, compensation, benefits, and termination of employment.

In addition, the District complies with the Americans with Disabilities Act (ADA), and all applicable state or local law. Consistent with those requirements, the District will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. Requests for accommodation should be submitted to Human Resources. The District will also, where appropriate, provide reasonable accommodations for an employee's religious beliefs or practices so long as the accommodation does not impose an undue hardship on the District.

### Harassment

Harassment is: (1) unwelcome conduct; (2) based on race, color, religion, creed, national origin or ancestry, ethnicity, sex (including gender, pregnancy, sexual orientation, and gender identity), age, physical or mental disability, citizenship, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state, or local law; and (3)(a) that is sufficiently severe or pervasive to alter the terms of employment and create an abusive work environment; or (b) that results in a tangible employment action (such as termination, demotion, or change in compensation).

The District strictly prohibits and does not tolerate unlawful harassment against employees or any other covered persons. Harassment is prohibited at the workplace and at employer-sponsored events.

### Sexual Harassment

All District employees and representatives are prohibited from harassing employees and other covered persons based on that individual's sex or gender (including pregnancy, sexual orientation, gender identity) and regardless of the harasser's sex or gender.

Sexual harassment means any harassment based on someone's sex or gender. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:

- Submission to or rejection of the advance, request, or conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of the advance, request, or conduct is used as a basis for

employment decisions; or

- Such advances, requests, or conduct have the purpose or effect of substantially or unreasonably interfering with an employee's work performance by creating an intimidating, hostile, or offensive work environment.

The District will not tolerate any form of sexual harassment, regardless of whether it is:

- Verbal (for example, epithets, derogatory statements, slurs, sexually related comments or jokes, unwelcome sexual advances, or requests for sexual favors);
- Physical (for example, assault or inappropriate physical contact);
- Visual (for example, displaying sexually suggestive posters, cartoons, or drawings, sending inappropriate adult-themed gifts, leering, or making sexual gestures); or
- Online (for example, derogatory statements or sexually suggestive postings in any social media platform including Facebook, Twitter, Instagram, Snapchat, etc.).

In addition to the sexual harassment described above, Title IX sexual harassment is a subset of sexual harassment. Generally, Title IX sexual harassment is conduct, based on sex that constitutes one or more of the following:

- (a) Unwelcome conduct, occurring in the United States, that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a District-sponsored education program or activity;
- (b) An employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; or
- (c) Any of the following specific acts of sexual harassment taking place within the United States and within a District-sponsored program or activity: sexual assault, dating violence, domestic violence, and stalking.

Sexual harassment is prohibited both at the workplace and at District-sponsored events. Depending on the circumstances of the complaint, allegations of sexual harassment may be subject to concurrent investigations under this Policy and the District's applicable Title IX Policy and Procedures.

#### Reporting an Incident of Harassment, Discrimination, or Retaliation

The District encourages reporting of all perceived incidents that violate this Policy regardless of the alleged offender's identity or position and including vendors or others with whom the District does business.

Conduct that violates this Policy should be promptly reported to the Superintendent or the District's human resources department. The District encourages those filing a complaint to do so as soon as possible after the offending conduct. As necessary, the District will conduct a prompt investigation, either formal or informal, into the investigation. Individuals are encouraged to use the District's complaint form, which is available upon request in Human Resources or by emailing [hr@fusd1.org](mailto:hr@fusd1.org). While the complaint form is not mandatory to file a complaint, it assists the District in collecting the necessary information to move forward.

A complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. The District will directly and thoroughly investigate the facts and circumstances of all claims of perceived discrimination and will take prompt corrective action, if appropriate.

Additionally, any supervisor who observes discriminatory conduct must report the conduct to the

District's Human Resources department so that a prompt investigation can be conducted, if necessary, and corrective action taken, if appropriate.

### Non-Retaliation

The District strictly prohibits and does not tolerate unlawful retaliation against any applicant, employee, or other covered person by any employee. All forms of unlawful retaliation are prohibited, including any form of discipline, reprisal, intimidation, or other form of retaliation for good faith reports or complaints of incidents of discrimination of any kind, pursuing any discrimination claim, or cooperating in related investigations.

The District is committed to enforcing this Policy against all forms of discrimination. However, the effectiveness of the District's efforts depends largely on employees informing the District about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this Policy, the District encourages them to report it immediately. If employees do not report discriminatory conduct, the District may not become aware of a possible violation of this Policy and may not be able to take appropriate corrective action.

### Violations of this Policy

Any employee, regardless of position or title, who violates this Policy, may be subject to discipline, up to and including termination of employment.

### Administration of this Policy

The District's Human Resources Department is responsible for the administration of this Policy. Questions regarding this Policy or questions about discrimination, accommodations, or retaliation that are not addressed in this Policy should be directed to the human resources department.

### Confidentiality

District employees who receive complaints alleging discrimination, harassment, or retaliation will maintain the confidentiality of the information they receive. However, District employees are permitted to disclose such information as required by law or when disclosure is necessary to facilitate legitimate District business, such as the investigation and resolution process.

Adopted: Mar. 28, 2023 Effective: July 1, 2023

Legal Authority:

[A.R.S. § 23-341](#)

[A.R.S. § 41-1463](#)

[20 U.S.C. § 1703](#)

[29 U.S.C. § 206](#) *et seq.*

[29 U.S.C. § 794](#)

[42 U.S.C. § 2000](#)

[42 U.S.C. § 12101](#) *et seq.*

